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10/018,656	05/10/2002	Martin Hans	1852	4480

7590 08/26/2004  
Striker Striker & Stenby  
103 East Neck Road  
Huntington, NY 11743

EXAMINER

RAMPURIA, SHARAD K

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/018,656

Applicant(s)

HANS ET AL

Examiner

Sharad Rampuria

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

Claim 7 is objected to because of the following informalities: "in line 12; [verb missing] is not an appropriate word". Appropriate correction is required.

### ***Specification***

The abstract of the disclosure is objected to because "the abstract should be in one paragraph". Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-8, & 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forssell et al., [US 6718179] (hereinafter Forssell) in view of Ahn [US 6466795] (hereinafter Ahn).

1. Regarding claim 1, Forssell disclose A method for an additional call setup for data transmission between a second data receiver (402; Fig. 4a) and a data transmitter (401; Fig. 4a) via at least one mobile telecommunications system, in which between the data transmitter and the second data receiver or a first data receiver (Col.9; 24-32), a first call setup has already taken place within a certain time period  $\Delta t$  in the past (Col.8; 46-53), and wherein the data transmitter has the mobile telecommunications system has at least one air interface and one controller device, (Col.9; 32-40) having the following steps: allocation of resources of the air interface to the data transmitter, and construction of a certain configuration of the data transmitter by means of the controller device in the first call setup; (Col.9; 32-40)

Forssell fails to disclose storing the resource occupation and configuring the data transmitter of the first call setup in the memory device of the data transmitter. However, Ahn teaches in an analogous art, that storing the resource occupation and configuring the data transmitter of the first call setup in the memory device of the data transmitter; (Col.3; 8-12) and sending an identification message from the controller device to the data transmitter in the additional call setup, to call up the resource occupation and configuration of the data transmitter, stored in the memory device, for a new allocation thereof in the additional call setup. (Col.3; 20-28) Therefore, it would have been obvious to one of ordinary skill in the art at the time of

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invention to include storing the resource occupation and configuring the data transmitter of the first call setup in the memory device of the data transmitter in order to provide resources previously temporarily associated to them.

2. Regarding claim 2, Forssell discloses all the particulars of the claim except the resource occupation and configuration of the data transmitter stored in the memory device of the data transmitter are stored in memory temporarily. However, Ahn teaches in an analogous art, that The method of claim 1, characterized in that the resource occupation and configuration of the data transmitter stored in the memory device of the data transmitter are stored in memory temporarily. (Col.3; 20-28) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the resource occupation and configuration of the data transmitter stored in the memory device of the data transmitter are stored in memory temporarily in order to provide resources previously temporarily associated to them.

3. Regarding claim 3, Forssell disclose the method of claim 1, characterized in that resources that have just been released are not allocated by the controller device until no other resources are available any longer. (Col.9; 41-52)

4. Regarding claim 4, Forssell disclose the method of claim 1, characterized in that the resources that are first allocated again by the controller device are those whose release occurred longer ago. (Col.9; 41-52)

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5. Regarding claim 5, Forssell disclose the method of claim 1, characterized in that an acknowledgment message sent from the controller device to the data transmitter is acknowledged by the data transmitter to confirm a correct resource allocation. (Col.9; 41-52)

6. Regarding claim 6, Forssell discloses all the particulars of the claim except stored in the memory device of the data transmitter, for a new allocation thereof in the additional call setup is predetermined. However, Ahn teaches in an analogous art, that the method of claim 1, characterized in that the instant of call up of the resource occupation and configuration of the data transmitter, stored in the memory device of the data transmitter, for a new allocation thereof in the additional call setup is predetermined. (Col.3; 13-29) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include stored in the memory device of the data transmitter, for a new allocation thereof in the additional call setup is predetermined in order to provide resources previously temporarily associated to them.

7. Regarding claim 7, Forssell disclose an apparatus for an additional call setup for data transmission between a second data receiver (402; Fig. 4a) and a data transmitter (401; Fig. 4a) via at least one mobile telecommunications system, in which between the data transmitter and the second data receiver or a first data receiver (Col.9; 24-32), a first call setup has already taken place within a certain time period  $\Delta t$  in the past (Col.8; 46-53), and wherein the data transmitter has the mobile telecommunications system has at least one air interface and one controller device, (Col.9; 32-40),

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wherein the mobile telecommunications system has at least one controller device (605; fig.6) for allocating resources of an air interface to the data transmitter and for constructing a certain configuration of the data transmitter in the first call setup; (Col.9; 32-40)

Forssell fails to disclose storing the resource occupation and configuring the data transmitter of the first call setup in the memory. However, Ahn teaches in an analogous art, that wherein the data transmitter has at least one memory device for storing the resource occupation and configuration of the data transmitter of the first call setup in memory; (Col.3; 8-12) and wherein the mobile telecommunications system a transmitter for sending an identification message from the controller device to the data transmitter in the additional call setup for calling up the resource occupation and configuration, stored in the memory device, of the data transmitter for a new allocation thereof in the additional call setup. (Col.3; 20-28) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include storing the resource occupation and configuring the data transmitter of the first call setup in the memory device in order to provide resources previously temporarily associated to them.

8. Regarding claim 8, Forssell disclose all the particulars of the claim except the memory device of the data transmitter is embodied as a temporary memory device. However, Ahn teaches in an analogous art, that the apparatus of claim 7, characterized in that the memory device of the data transmitter is embodied as a temporary memory device. (Col.3; 20-28) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the memory device of the data transmitter is embodied as a temporary memory device in order to provide resources previously temporarily associated to them.

10. Regarding claim 10, Forssell disclose the apparatus of claim 7, characterized in that the data transmitter is embodied as a mobile telephone. (401; fig. 4a; Col.6; 26-30)

Claims 9 & 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forssell & Anh further in view of Widegren et al. [US 6374112] (hereinafter Widegren).

9. Regarding claim 9, the above combination discloses all the particulars of the claim except the mobile telecommunications system is embodied as a UMTS system. However, Widegren teaches in an analogous art, that the apparatus of claim 7, characterized in that the mobile telecommunications system is embodied as a UMTS (Universal Mobile Telecommunication System) system. (Col.5; 29-34) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the mobile telecommunications system is embodied as a UMTS system in order to provide resource allocation in a UMTS system.

11. Regarding claim 11, the above combination discloses all the particulars of the claim except the mobile telecommunications system is embodied as a UMTS system. However, Widegren teaches in an analogous art, that the apparatus of claim 7, characterized in that the resources, for instance in a UMTS (Universal Mobile Telecommunication System) system, are defined as a combination of a CDMA (Code Division Multiple Access) code, a carrier frequency, and optionally a time slot of a corresponding transmission channel. (Col.12; 63-Col.13; 3) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention



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to include the mobile telecommunications system is embodied as a UMTS system in order to provide resource allocation in a UMTS system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is 703-308-4736. The examiner can normally be reached on Mon-Fri. (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Sharad Rampuria  
August 22, 2004

  
EDWARD F. URBAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600